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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/752,391	01/06/2004	William A. Allen	02103-581001 / AABOSW35	3571
26162	7590	07/09/2008	EXAMINER	
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			BROWN, VERNAL U	
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			2612	
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			07/09/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/752,391	<b>Applicant(s)</b> ALLEN ET AL.	
	<b>Examiner</b> VERNAL U. BROWN	<b>Art Unit</b> 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 3/31/08.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 6-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This action is responsive to communication filed on March 31, 2008.

#### ***Response to Amendment***

The examiner acknowledges the amendment of claims 1 and 12.

#### ***Response to Arguments***

Applicant argued on page 2 that the possible new values as taught by Allport represent possible new values for different signal source. It is the examiner's position that the current preset and the possible new values represent TV channels numbers and are therefore associated. It is also the examiner's position that the signal source as claimed represents FM channels numbers and the TV channels as taught by Allport (col. 12 lines 45-51, col. 13 lines 47-51) reads on the claims.

Regarding applicant argument regarding claims 9-10, it is the examiner's position that the claims are broader than argued. The applicant recites the limitation that the operation of the second device is change before confirming the new value of the sound source without specifying what operation is changed. It is the examiner's position that the operation of the second device (TV) is change before confirming the new value of the sound source because the display of the TV is change to indicate the possible new favorite channel (paragraph 088).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 7-8, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Allport US Patent 6104334.

Regarding claim 1, Allport teaches a control device (10) having a display (85), a graphical item representation (200a) of an indication of a value currently representative of a preset sound signal source (col. 12 lines 45-51, col. 13 lines 47-51). Allport teaches simultaneously providing graphical item that is an indication of a possible new value of the preset representative of a possible new preset associated with the signal source by showing icons 205a, 210a and 215 (col. 13 lines 53-56). The possible new values are associated with sound signal source because they the current preset and the possible new preset are TV channels. Allport also teaches providing the user with an option to change the value of a preset by changing the list of favorite channels (col. 14 lines 7-12).

Regarding claim 2, Allport teaches the preset is associated with multimedia system (col. 12 lines 45-51)

Regarding claim 3, Allport teaches the multimedia system comprises an audio system (col. 16 lines 28-32).

Regarding claim 7, Allport teaches the control device communicates with a second device to effect the change to the new preset value (col. 9 lines 21-27).

Regarding claim 8, Allport teaches the value comprises an identifier of a station (col. 12 lines 47-50).

Regarding claim 12, Allport teaches the sound signal source comprises a source of items to be performed (365, shown in figure 11) and the source is configured to store the items for performance in response to presets of relaxing music (col. 20 lines 21-40).

Claims 9-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Bernier US Patent Application Publication 20040040039.

Regarding claim 9, Bernier teaches enabling a user of a remote control to indicate possible new value of a preset sound signal source by displaying a list of channel and highlighting the channel to be added to the list of favorite channel and the channel to be added to the list of favorite channel is confirmed by pressing the add favorite button (paragraph 089). By highlighting the channel number to be added, the user is able to view the selected channel highlighted and the user agreeing (confirming) that the correct channel is selected presses the add/delete button. The operation of the second device (TV) is change before confirming the new value of the sound source because the display of the TV is change to indicate the possible new favorite channel (paragraph 088).

Regarding claim 10, Bernier teaches the value comprises an identifier of a station (paragraph 055).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allport US Patent 6104334 Obayashi et al. US Patent 5404579.

Regarding claim 6, Allport also teaches providing the user with an option to change the value of a preset by changing the list of favorite channels (col. 14 lines 7-12) but is not explicit in teaching enabling a user to confirm the possible new preset value. Obayashi et al. in an art related invention in the same field of endeavor of remote control teaches allowing a user to confirm the data entered at the remote control in order to ensure that the correct control data was entered (col. 4 lines 22-24).

It would have been obvious to one of ordinary skill in the art to modify the system of Allport as disclosed by Obayashi et al. because allowing a user to confirm the data entered at the remote control ensure that the correct control data was entered for activating a desired function.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bernier US Patent Application Publication 20040040039 in view of Allport US Patent 6104334.

Regarding claim 11, Bernier teaches an audio sound source (paragraph 055) but is silent on teaching the station comprises a radio station and another device comprises a radio receiver. Allport in an art invention in the same field of endeavor of remote control teaches the sound source is a radio broadcast (col. 27 lines 1-15) and a radio receiver is inherently used to reproduce the broadcast sound from a radio station.

It would have been obvious to one of ordinary skill in the art to modify the remote control system of Bernier as disclosed by Allport because a radio station is a sound source use to broadcast audio signal to a radio receiver.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VERNAL U. BROWN whose telephone number is (571)272-3060. The examiner can normally be reached on 8:30-7:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Zimmerman can be reached on 571-272-3059. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vernal U Brown/  
Examiner, Art Unit 2612  
July 2, 2008

/Brian A Zimmerman/  
Supervisory Patent Examiner, Art Unit 2612